

## PUBLIC LAW | PLANNING

# Never Ending Story – A new extension for the adaptation of the municipal plans to the (new) RGJIT rules

The list of extensions for the adaptation of municipal and inter-municipal plans to the (new) rules on land classification and qualification contained in the Legal Framework for Territorial Management Instruments (*Regime Jurídico dos Instrumentos de Gestão Territorial - "RGJIT"*)<sup>1</sup> has been joined by a new one, with the publication of **Decree-Law 45/2022 of 8 July**.

Decree-Law 25/2021 of 29 March extended the adaptation period initially set at five years and established that municipal or inter-municipal plans should include the classification and qualification rules provided for in the RJIGT. It also provided that the first meeting of the advisory committee<sup>2</sup> or procedural conference<sup>3</sup> should take place by 31 March 2022.

However, once again, there were difficulties in the incorporation of the land classification and qualification rules by municipalities and municipal associations - around one third of the municipalities did not meet the deadline for the first meeting.

**In this context, Decree-Law 45/2022 was published on 8 July to extend the deadlines set out in the RGJIT to allow municipalities and associations of municipalities to comply with the duty to incorporate land classification and qualification rules into municipal and inter-municipal plans by 31 December 2023.**

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<sup>1</sup> Approved by Decree-Law 80/2015 of 14 May.

<sup>2</sup> Under article 13(1)(a) of Ministerial Order 277/2015 of 10 September.

<sup>3</sup> Referred to in article 86(3) of RJIGT.

**Under the new paragraph 7 of article 76 of RJIGT, it is now possible, in situations where the procedure lapses due to failure to comply with the legally stipulated deadlines, for the competent municipal council to decide whether to use of the acts and formalities carried out in the lapsed procedure.**

This Decree-Law came into force the day after its publication, that is, on 9 July 2022 and it maintains the consequences for non-compliance with the obligation to hold the first meeting of the consultative committee or of the procedural conference<sup>4</sup>, which must now be held by **31 October 2022**.

Along with this change, to take advantage of the alteration procedures that have already started, Decree-Law 45/2022 makes it possible to get around the limit of the single extension in the preparation of municipal plans, as well as the determination that failure to comply with the established deadlines will cause the procedure to lapse. Under the new paragraph 7 of article 76 of RJIGT, it is now possible, in situations where the procedure lapses due to failure to comply with the legally stipulated deadlines, for the competent municipal council to decide whether to use of the acts and formalities carried out in the lapsed procedure. These provisions even apply to procedures that would have already lapsed prior to the entry into force of Decree-Law 45/2022.

In a second line of action, the legislation now published has amended Decree-Law 130/2019 of 30 August, which establishes the principles and rules that govern cartographic production in Portugal. Now, the periods to be taken into account in the cartography to be used in municipal and inter-municipal plans do not apply to their adaptation to the (new) land classification rules.

It remains to be seen whether this is the last extension to a process of updating municipal and inter-municipal plans that has already been long, and whether the measures now adopted to ensure its speed will be sufficient to allow the compatibility of land management instruments with the respective legal rules, amended in 2015. ■

4 Failure to meet the deadline for holding the first meeting of the advisory committee for reasons attributable to the municipality or association of municipalities will result in the suspension of their right to apply for community and national financial support other than for health, education, housing or social support. However, the limitation on the signing of programme-contracts - see article 199(3) of the RGJIT, in the wording given by Decree-Law no. 45/2022 - disappears.